

REMARKS

This Amendment is submitted in response to the Office Action dated October 7, 2004, having a shortened statutory period set to expire January 7, 2005.

In paragraph 3 of the present Office Action, Claims 1-4, 6-11, 13-18 and 21 are rejected under 35 U.S.C. § 103 as unpatentable over U.S. Patent No. 6,560,641 to *Powderly et al.* (*Powderly*) in view of U.S. Patent Publication No. US 2003/0163765 to *Eckardt et al.* (*Eckardt*). That rejection is respectfully traversed, and favorable reconsideration of the claims is respectfully requested.

Applicant respectfully submits that the combination of *Powderly* and *Eckardt* does not render the present claims unpatentable under 35 U.S.C. 103 because that combination of references does not teach or suggest each feature recited in the present claims. For example, the combination of *Powderly* and *Eckardt* does not disclose the following steps of exemplary Claim 1:

prior to initiation of execution of power-on self-test (POST) code by a main processor of a remotely managed data processing system:

on a service processor separate from the main processor, initiating execution of a remote control application; and

the remote control application establishing communication over a network connection with a remote console;

...

the remote control application enabling remote control of the remotely managed data processing system upon initiation of execution of said POST code. (emphasis supplied)

With respect to the above steps of exemplary Claim 1, paragraph 4 of the present Office Action correctly notes, "Powderly does not explicitly disclose prior to initiation of execution of power-on self test (POST) code by a main processor of a remotely managing data processing system." Paragraph 4 of the present Office Action then asserts that paragraphs 6 and 21 of *Eckardt* disclose the performance of these functions "prior to initiation of execution of power-on

self test (POST) code ... by a main processor of a remotely managing data processing system.” Application respectfully traverses this assertion.

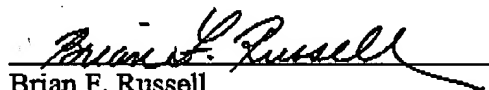
The cited passages of *Eckardt*, and in particular paragraph 21, disclose that, if a POST error is detected, a POST error flag is set, which “will be recognized ... and ... used in ... remote repair operations to implement a repair in the reboot operation.” Importantly, as described in paragraph 25 of *Eckardt* and as shown in Figure 1 at page connector B, the remote repair operation, whereby a remote technician attempts to correct the POST error, occurs after POST is complete. That is, *Eckardt* teaches that communication with a remote technician occurs following block 128 of Figure 1, which is subsequent to the completion of POST at block 116. Thus, *Eckardt* does not teach or suggest “prior to initiation of execution of power-on self-test (POST) code by a main processor ... initiating execution of a remote control application [and] establishing communication over a network connection with a remote console.” Consequently, when *Eckardt* is combined with *Powderly*, which the Examiner admits does not disclose remote communication prior to execution of POST, that combination of references cannot be said to teach or suggest “prior to initiation of execution of power-on self-test (POST) code by a main processor ... initiating execution of a remote control application [and] establishing communication over a network connection with a remote console.”

Moreover, because *Powderly* and *Eckardt* fail to teach or suggest execution of a remote control application on a service processor separate from the main processor prior to initiation of execution of POST by the main processor, that combination of references also cannot disclose “the remote control application enabling remote control of the remotely managed data processing system upon initiation of execution of said POST code” (emphasis supplied), that is, when execution of POST code by the main processor begins. Specifically, *Powderly*’s process for remote control is initiated by the host processor during POST, and therefore does not permit remote control upon initiation of POST as claimed. As discussed above, *Eckardt* similarly clearly teaches that the process for remote control is enabled only after POST has completed, not upon initiation of POST. Thus, the combination of *Powderly* and *Eckardt* does not teach or suggest “the remote control application enabling remote control of the remotely managed data processing system upon initiation of execution of said POST code,” as claimed.

Because the combination of *Powderly* and *Eckardt* does not teach or suggest each feature of exemplary Claim 1, Applicant respectfully submits that the rejections of Claim 1, similar Claims 8 and 15, and their respective dependent claims are overcome. Having now responded to each rejection set forth in the present Office Action, Applicant believes all pending claims are now in condition for allowance and respectfully requests such allowance.

No fee or extension of time is believed to be required. If any fee or extension of time is required, please charge any necessary fees to IBM Corporation Deposit Account 50-0563.

Respectfully submitted,


Brian F. Russell
Registration No. 40,796
DILLON & YUDELL LLP
8911 N. Capital of Texas Hwy., Ste. 2110
Austin, Texas 78759
(512) 343-6116
ATTORNEY FOR APPLICANT